

FILED

JUL 18 2018

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

PUBLIC MATTER

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – LOS ANGELES

In the Matter of)	Case No. 16-O-12062-CV
)	
LAURA ANITA OZOLS,)	DECISION AND ORDER OF
)	INVOLUNTARY INACTIVE
A Member of the State Bar, No. 217276.)	ENROLLMENT
_____)	

In this matter, respondent Laura Anita Ozols (Respondent) was charged with four counts of misconduct. Respondent failed to participate either in person or through counsel, and her default was entered. The Office of Chief Trial Counsel of the State Bar of California (OCTC) filed a petition for disbarment under rule 5.85 of the Rules of Procedure of the State Bar.¹

Rule 5.85 provides the procedure to follow when an attorney fails to appear at trial after receiving adequate notice and opportunity. The rule provides that, if an attorney's default is entered for failing to appear at trial and the attorney fails to have the default set aside or vacated within 45 days, OCTC will file a petition requesting the court to recommend the attorney's disbarment.²

In the instant case, the court concludes that the requirements of rule 5.85 have been satisfied, and, therefore, grants the petition and recommends that Respondent be disbarred from the practice of law.

¹ Unless otherwise indicated, all references to rules are to this source.

² If the court determines that any due process requirements are not satisfied, including adequate notice to the attorney, it must deny the petition for disbarment and take other appropriate action to ensure that the matter is promptly resolved. (Rule 5.85(F)(2).)

FINDINGS AND CONCLUSIONS

Respondent was admitted to practice law in this state on December 3, 2001, and has been a member since then.

Procedural Requirements Have Been Satisfied

On July 3, 2017, OCTC properly filed and served an NDC on Respondent by certified mail, return receipt requested, at her membership records address. The NDC notified Respondent that her failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.) The NDC was returned to OCTC by the U.S. Postal Service as undeliverable.

In addition, reasonable diligence was used to notify Respondent of this proceeding. Shortly before filing the NDC, an OCTC senior trial counsel spoke with Respondent on the telephone. Respondent stated that she did not want to participate in the imminent disciplinary proceedings and requested that OCTC “stop bugging” her. She went on to state that she did not want to be an attorney and would be leaving the State of California.

Respondent did not appear at the initial status conference and failed to file a response to the NDC. On August 18, 2017, OCTC filed and properly served a motion for entry of Respondent’s default. The motion included a supporting declaration of reasonable diligence by an OCTC senior trial counsel declaring the additional steps taken to provide notice to Respondent. (Rule 5.80.) The motion also notified Respondent that if she did not timely move to set aside her default, the court would recommend her disbarment.

Respondent did not file a response to the motion, and her default was entered on September 8, 2017. The order entering default was served on Respondent at her membership records address by certified mail, return receipt requested. The court also ordered Respondent’s

involuntary inactive enrollment as a member of the State Bar under Business and Professions Code section 6007, subdivision (e), effective three days after service of the order.

This matter did not remain in default. On November 6, 2017, OCTC filed a motion to set aside default in order to amend the NDC. That motion was subsequently granted, and the default was set aside. On December 19, 2017, OCTC filed a motion to amend the NDC and lodged a copy of the proposed amended NDC with the court. This motion and a copy of the proposed amended NDC were properly served on Respondent that same day.

Respondent did not file a response to the motion to amend the NDC. On January 11, 2018, the court issued an order granting the motion to amend the NDC. The proposed amended NDC was filed and Respondent was ordered to file a response to the amended NDC no later than February 5, 2018. A copy of this order was properly served on Respondent at her membership records address.

Respondent failed to file a response to the amended NDC. On February 12, 2018, the court held an in-person status conference. At that status conference, the court set a trial date for March 20, 2018. Respondent was not present at the status conference, but she was properly served with notice of the trial date. (See Rules Proc. of State Bar, rule 5.81(A)(2)(c).)

On March 20, 2018, OCTC appeared for trial but Respondent did not. Finding that all of the requirements of rule 5.81(A) were satisfied, the court issued and properly served an order entering Respondent's default that same day. The order notified Respondent that if she did not timely move to set aside or vacate her default, the court would recommend her disbarment. The order also placed Respondent on involuntary inactive status under Business and Professions Code section 6007, subdivision (e), and she has remained inactive since that time.

Respondent did not subsequently seek to have her default set aside or vacated. (Rule 5.83(C)(2) [attorney has 45 days to file motion to set aside default].) On May 21, 2018, OCTC

filed the petition for disbarment. The OCTC reported in the petition that: (1) it has had no contact with Respondent since the default was entered; (2) Respondent has no other disciplinary matters pending; (3) Respondent has no prior record of discipline; and (4) the Client Security Fund has not made any payments resulting from Respondent's conduct. Respondent did not respond to the petition for disbarment or move to set aside or vacate the default. The case was submitted for decision on July 10, 2018.³

The Admitted Factual Allegations Warrant the Imposition of Discipline

Upon entry of Respondent's default, the factual allegations in the amended NDC are deemed admitted and no further proof is required to establish the truth of such facts. (Rule 5.82.) As set forth below in greater detail, the factual allegations in the amended NDC support the conclusion that Respondent is culpable as charged and, therefore, violated a statute, rule, or court order that would warrant the imposition of discipline. (Rule 5.85(F)(1)(d).)

Case No. 16-O-12062

Count One – Respondent willfully violated rule 5-220 of the Rules of Professional Conduct (suppression of evidence) by failing to comply with her legal obligation (pursuant to California Penal Code section 1054, et seq.) to produce evidence reflecting relevant statements of witnesses who were to testify at trial in *People of the State of California v. Leonard Terrance Woods*, Riverside County Superior Court, case No. RIF 1103914.

Count Two – Respondent willfully violated Business and Professions Code section 6103 (failure to obey a court order) by failing to comply with the Riverside County Superior Court's September 6, 2012 order compelling Respondent to produce the statements of witnesses who

³ On February 23, 2018, OCTC filed and properly served a motion for entry of Respondent's default. Respondent did not file a response; however, the February 23, 2018 default motion was later deemed moot following entry of Respondent's default for failing to appear at trial.

were to testify at trial in *People of the State of California v. Leonard Terrance Woods*, Riverside County Superior Court, case No. RIF 1103914.

Count Three – Respondent willfully violated Business and Professions Code section 6068, subdivision (d) (seeking to mislead a judge), by knowingly stating to the court that no discoverable email correspondence with trial witnesses existed when Respondent knew that statement was false.

Count Four – Respondent willfully violated Business and Professions Code section 6106 (moral turpitude) by: (1) knowingly failing to comply with her legal obligation to disclose relevant statements of witnesses who were to testify at trial; (2) knowingly failing to comply with the Riverside County Superior Court’s order compelling Respondent to disclose the statements of witnesses who were to testify at trial; and (3) knowingly stating to the court that no such witness statements existed when Respondent knew that statement was false.

Disbarment is Recommended

Based on the above, the court concludes that the requirements of rule 5.85(F) have been satisfied, and Respondent’s disbarment is recommended. In particular:

- (1) the amended NDC was properly served on Respondent under rule 5.25;
- (2) reasonable diligence was used to notify Respondent of the proceedings prior to the entry of her default;
- (3) the default was properly entered under rule 5.81; and
- (4) the factual allegations in the amended NDC deemed admitted by the entry of the default support a finding that Respondent violated a statute, rule, or court order that would warrant the imposition of discipline.

Despite adequate notice and opportunity, Respondent failed to appear for the trial in this disciplinary proceeding. As set forth in the Rules of Procedure of the State Bar, the court recommends disbarment.

RECOMMENDATIONS

Disbarment

The court recommends that respondent Laura Anita Ozols, State Bar Number 217276, be disbarred from the practice of law in the State of California and that her name be stricken from the roll of attorneys.

California Rules of Court, Rule 9.20

It is further recommended that Respondent be ordered to comply with the requirements of rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding.

Costs

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

Respondent is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule

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5.111(D)(2) of the State Bar Rules of Procedure, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

Dated: July 18, 2018

Cynthia Valenzuela

CYNTHIA VALENZUELA
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Court Specialist of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on July 18, 2018, I deposited a true copy of the following document(s):

DECISION AND ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

in a sealed envelope for collection and mailing on that date as follows:

- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

LAURA A. OZOLS
41218 CREST DR
HEMET, CA 92544 - 8129

LAURA ANITA OZOLS
7860 TOWER LANE
MOBILE, AL 36619

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

ROSS E. VISELMAN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 18, 2018.



Paul Songco
Court Specialist
State Bar Court